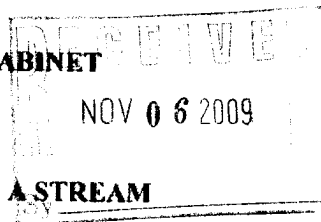


COMMONWEALTH OF KENTUCKY  
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET  
DEPARTMENT FOR ENVIRONMENTAL PROTECTION  
DIVISION OF WATER



APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM  
AND / OR WATER QUALITY CERTIFICATION

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: Lexmark International, Steve Davis, Director of Corporate Real Estate and Facilities 19987A  
Give name of person(s), company, governmental unit, or other owner of proposed project.

MAILING ADDRESS: 740 New Circle Road NW, Lexington, KY 40550

TELEPHONE #: (859) 232-4411 EMAIL: davisw@lexmark.com

2. AGENT: N/A

Give name of person(s) submitting application, if other than owner.

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

3. ENGINEER: Eric Dawalt, P.E. P.E. NUMBER: 22350

Contact Division of Water if waiver can be granted.

TELEPHONE #: (859) 806-1089 EMAIL: edawalt@insightbb.com

4. DESCRIPTION OF CONSTRUCTION: \_\_\_\_\_

Describe the type and purpose of construction and describe stream impact

Shady Brook Park Stream Bank Repair - See attached plan.

5. COUNTY: Fayette NEAREST COMMUNITY: Lexington

6. USGS QUAD NAME Lexington East LATITUDE/LONGITUDE: N38°04'32" / W 84°29'12"

7. STREAM NAME: Cane Run WATERSHED SIZE (in acres): 2900

8. LINEAR FEET OF STREAM IMPACTED: 1300

9. DIRECTIONS TO SITE: See Attached Plan, Figure 1.

10. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? Yes ☒ No ☐ If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: \_\_\_\_\_
11. ESTIMATED BEGIN CONSTRUCTION DATE: Nov 23, 2009
12. ESTIMATED END CONSTRUCTION DATE: Dec. 23, 2009
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? Yes ☒ No ☐ If yes, attach a copy of that permit.
14. THE APPLICANT **MUST** ADDRESS PUBLIC NOTICE:

(a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:

\*

- ☒ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)  
☐ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)

(b) ☐ I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:

\_\_\_\_\_  
Contact Division of Water for requirements.

15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:  
Greg Lubeck, P.E., LFUCG Engineering, (859) 258-3410  
Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.

16. LIST OF ATTACHMENTS: \_\_\_\_\_  
List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.

1. Copy of USGS map.  
2. Shady Brook Park Stream Bank Repair Plan

17. I, W.S. Davis, (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).
18. REMARKS: The project will increase the flow conveyance area by laying back the banks and excavating a bankfull bench. It will also and improve water quality and stream habitat by reducing erosion and establishing native vegetation along the banks. Project will disturb less than one acre of soil.

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: W.S. Davis  
Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: Nov 3, 2009

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR:

\*

Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.

DATE: \_\_\_\_\_

SUBMIT APPLICATION AND ATTACHMENTS TO:

\* Currently under review  
by LFUCG.

Floodplain Management Section  
Division of Water  
14 Reilly Road  
Frankfort, KY 40601

\* Will send in once it  
runs in paper

Revised 01-04







**Proposed Repair Solution:**

The proposed solution calls for laying back the steep banks on the outside bends to a stable slope of 2:1 (Horizontal: Vertical) or flatter as can be seen in Figure 2. Limestone rock (12"-18" diameter) will be installed along the toe of the bank to prevent toe erosion. A woven coconut coir fiber erosion control blanket will be installed on the banks to protect the soil until vegetation can be established. The blanket will biodegrade over the next five years as vegetation is established.

The point bar areas will be excavated down to create a bankfull bench. This will increase flow capacity and reduce shear stress on the outside bends.

**Proposed Revegetation Plan:**

In order to stabilize the newly repaired banks, native vegetation will be established on the outside bends of the stream. Live stakes of willow and dogwood will be installed above the rock toe so their root systems will grow together and help prevent erosion of the bank (See Figure 2). Native wildflowers and grasses will be planted beneath the erosion control blanket, in a No-Mow Area, to prevent erosion (See Table 1). The point bar benches will be seeded with low growing grasses, sedge and rush.

**Table 1. List of Species.**

	<b>Common Name</b>	<b>Scientific Name</b>
<b>Live Stakes:</b>	Black Willow	<i>Salix nigra</i>
	Silky Dogwood	<i>Cornus amomun</i>
<b>Native Grasses and Wildflowers:</b>	Riverbank Wild Rye	<i>Elymus riparius</i>
	Fox Sedge	<i>Carex vulpinoidea</i>
	Deer Tongue	<i>Panicum clandestinum</i>
	Lance-leaf Coreopsis	<i>Coreopsis lanceolata</i>
	Purple Coneflower	<i>Echinacea purpurea</i>
	Blue Vervain	<i>Verbena hastata</i>
	Partridge Pea	<i>Chamaecrista fasciculata</i>
	Black Eyed Susan	<i>Rudbeckia hirta</i>
	Common Rush	<i>Juncus effusus</i>

**Impacts to Flood Conveyance:**

This project will not reduce the flood conveyance of the stream because neither the channel nor floodplain is being filled. The banks will be laid back to a stable slope and a bankfull bench will be excavated. A small amount of rock toe protection (less than three square feet of cross sectional area) will be installed. Conversely, conveyance area will be increased by over 20 square feet of cross sectional area by laying back the banks and excavating a bankfull bench. Excavated material from the channel and floodplain will be hauled off-site and deposited in an area out of the floodplain. As such, there will be a net gain of channel capacity and flood conveyance.



FRIDAY, NOVEMBER 6, 2009

LEXINGTON HERALD-LEADER | KENTUCKY.COM

220490

**Public Notice**

Notice is hereby given that Lexmark, 740 New Circle Road, Lexington, KY 40550, has filed an application with the Natural Resources and Environmental Protection Cabinet to repair and restore the stream banks on 1300 linear feet of Cane Run. The property is located in Shady Brook Park north-east of the intersection of New Circle Road and Newtown Pike. Any comments or objections concerning this application shall be directed to: Kentucky Division of Water, Water Resources Branch, 14 Reilly Road, Frankfort Office Park, Frankfort, Kentucky 40601. Phone: (502) 564-3410.





